

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Joshua Winer,

Plaintiff,

v.

Umaymah Mohammad, *et al.*,

Defendants.

Case No. 1:25-CV-02329

**JOINT MOTION TO STAY DISCOVERY AND PRETRIAL DEADLINES  
PENDING RULING ON MOTIONS TO DISMISS**

Defendants Umaymah Mohammad, AJP Educational Foundation, Inc., WESPAC Foundation, Inc., Doctors Against Genocide Society, CAIR-Nga Inc., CAIR Foundation Inc., Rupa Marya, and Ibrahim Jouja as representative of Emory Students for Justice in Palestine, and Plaintiff Dr. Joshua Winer jointly move the Court to stay all discovery deadlines, including all parties' obligations to serve initial disclosures, participate in a Rule 26(f) conference, and prepare and file a report of that conference and a proposed discovery plan, until after the Court rules on Defendants' pending and expected forthcoming motions to dismiss Plaintiff's First Amended Complaint. Counsel for the parties have conferred, and all parties who have appeared in this action join this motion. In support of this motion, the parties state as follows:

1. On June 27, 2025, Defendant CAIR-Georgia moved to dismiss the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) arguing that the First Amended Complaint (“FAC”) failed to state a claim upon which relief can be granted. Dkt. 41. The motion is fully briefed and has been submitted to the Court.

2. On July 22, 2025, Defendant CAIR Foundation Inc. moved to dismiss the FAC pursuant to Fed. R. Civ. P. 12(b)(6) arguing that the FAC failed to state a claim upon which relief can be granted. Dkt. 65. The motion is not yet fully briefed.

3. On August 5, 2025, Defendant AJP Educational Foundation, Inc. moved to dismiss the FAC pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(2) arguing that the FAC failed to state a claim upon which relief can be granted and that the Court lacks personal jurisdiction over Defendant AJP Educational Foundation, Inc. Dkt. 83. The motion is not yet fully briefed.

4. On July 17, 2025, Defendants WESPAC Foundation, Inc., and Doctors Against Genocide Society filed a motion for extensions of time to file a response to the FAC. Dkt. 58. The Court granted the motion on July 23, 2025. Dkt. 66.

5. On August 18, 2025, Defendants Rupa Marya and Umaymah Mohammad filed motions for extensions of time to file a response to the FAC. Dkt. 88. The Court granted the motion on August 19, 2025. Dkt. 90.

6. This Court’s Local Rules require a Rule 26(f) planning conference “within sixteen days after the appearance of a defendant by answer or motion.”

LR 16.1. Similarly, the joint preliminary planning report and discovery plan and initial disclosures required by Rule 26(a)(1) are due “thirty days after the appearance of the first defendant by answer or motion or within thirty days after a removed case is filed in this Court.” LR 16.2, LR 26.1.

7. Here, motions to dismiss are, or likely will be, directed at the claims asserted against all, or nearly all of the defendants identified within the FAC.

8. For reasons of judicial economy, efficiency, and fairness to the parties, the Parties now ask the Court to stay all applicable pretrial and discovery deadlines pending the Court’s ruling on all defendants’ motions to dismiss, including: (1) the start of discovery and the discovery period; (2) the Rule 26(f) Early Planning Conference (LR 16.1); (3) the deadline to file a Joint Preliminary Report and Discovery Plan (LR 16.2); and (4) the deadline to submit Initial Disclosures (LR 26.1).

9. Staying discovery is well within this Court’s broad discretion to manage discovery. *See Patterson v. U.S. Postal Serv.*, 901 F.2d 927, 929 (11th Cir. 1990) (holding that the district court did not abuse its discretion in staying discovery); *Panola Land Buyers Ass’n v. Shuman*, 762 F.2d 1550, 1560 (11th Cir. 1985) (holding that the Court has “broad discretion to stay discovery until the district court rules on a pending dispositive motion”).

10. The parties agree that discovery is not necessary to resolve the pending motions to dismiss.

11. Moreover, it would be inefficient to require the parties to confer about the scope of discovery, to file joint preliminary reports and discovery plans, and to exchange initial disclosures when the resolution of defendants' motions to dismiss may terminate the claims or significantly streamline this case. The requested stay will avoid unnecessary costs if the Court finds that any or all counts should be dismissed.

12. The Eleventh Circuit has noted that policy interest favors staying discovery until after the adjudication of pre-discovery motions that challenge the sufficiency of the pleadings. *See Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997)) ("Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should . . . be resolved before discovery begins.").

13. For the reasons set forth herein, the parties respectfully move this Court for the entry of an order staying the commencement of discovery and the pre-trial deadlines in this case, including the service of initial disclosures and fulfillment of the parties' joint scheduling obligations, pending the Court's resolution of the pending and expected motions to dismiss.

Respectfully submitted this 22<sup>nd</sup> day of August, 2025.

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*/s/ Lauren Israelovitch*

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**CERTIFICATE OF COMPLIANCE WITH L.R. 5.1**

I HEREBY CERTIFY that the foregoing document was prepared in Times New Roman, 14-point font, as approved by Local Rule 5.1.

/s/ Austin C. Vining

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